

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

ROBIN D. BROCCUTO,)	
)	
Plaintiff,)	
v.)	Case No.: 3:07cv782
)	
EXPERIAN INFORMATION SOLUTIONS,)	
INC., et al.)	
)	
Defendants.)	
)	
)	

**DEFENDANT LANE BRYANT, INC.'S MOTION TO DISMISS
UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Defendant Lane Bryant, Inc., which has been improperly named as a defendant in this action wherein the proper party is World Financial Network National Bank (hereinafter "WFNNB"), moves this Court pursuant to Fed. Rule Civ. Proc. 12(b)(1) to dismiss with prejudice each of the counts of the Complaint against WFNNB (Counts Seven, Eight, and Nine) because the statute of limitations applicable to the claims asserted against WFNNB in Counts Seven, Eight, and Nine has expired, depriving this court of subject matter jurisdiction over those claims. In the alternative, WFNNB moves this Court pursuant to Fed. Rule Civ. Proc. 12(b)(6) to dismiss with prejudice Count Nine of the Complaint against WFNNB because Count Nine of the Complaint fails to state a claim against WFNNB upon which relief may be granted.

Dated: February 25, 2008

LANE BRYANT, INC.

By: _____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2008 I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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